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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,317	11/16/2000	Yoshiyuki Takaku	7217/63016	6477

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EXAMINER

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/714,317

Applicant(s)

TAKAKU ET AL.

Examiner

Christopher B Shin

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Before examiner discusses the details of the 112 2nd rejection, the examiner would like to point out that 1) the claimed intended usage/meaning of “input device” and “output device” are misleading, because of the respective claimed functions of the above devices are “receiving” and “sending”, 2) the claimed phrase “such that” are vague and indefinite, see below for the details discussion.

b. In claim 1;

i. In line 6, it is unclear as to what “other device” refers to (i.e., are there any other device connected to a predetermined network other than input device and output device, as cited in the preamble?).

ii. In lines 10-11, the entire phrase “command received said data indicating that said input setting is at least temporarily disabled” lacks proper and clear antecedent basis. What is the relationship between the “data” and “command”? No such “command received data” exists. What is relationship between the source device and the output device?

iii. In line 7, the phrase “such that” or “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

In addition, the limitation following the phrase contradicts the previous limitation. It is unclear as to how the “command data ...temporarily disabled” can make the input device input outputted data of the output device. Due to the problem with the phrase “such that”, the examiner cannot properly determine the metes and bounds of the claimed invention.

iv. In line 9, it is unclear as to what “corresponding processing” and “source device” refer to and how it is related to the command.

c. In claim 2, the phrase “standby state” lacks proper and clear antecedent basis.

d. In claim 3;

i. In line 2, the phrase “command transmission source” lacks proper and clear antecedent basis.

ii. In line 6, it is unclear as to how the “corresponding processing” is related to the “corresponding processing” of the claim 1.

e. In claim 4;

i. In line 3-4, the phrase “input device cannot input stream data due to other causes” lacks proper and functional antecedent basis. This also contradicts the limitations of the claim 1.

ii. In lines 4-5, the phrase “connection within said input device has been completed” lacks proper and clear antecedent basis.

iii. In lines 5-7, the unclarities of the claim 1, line 7 “such that” are similarly applied.

iv. In lines 1-7, the intended meaning of the “wherein said data ....completed.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

f. In claim 5;

i. In line 2, the phrase “command transmission source” lacks proper and clear antecedent basis.

ii. In line 3, it is unclear as to what “it is checked” refers to.

iii. In lines 4-5, the intended meaning of “based on polling whether...stream data” is unclear from the context from the claim (i.e., what is the relationship between the command and the polling in terms of input stream data to input device).

iv. In lines 1-8, the intended meaning of the “wherein when said command ....processing.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

g. In claim 6;

i. In line 2, the phrase “command transmission source” lacks proper and clear antecedent basis.

ii. In line 5, it is unclear as to what “it is determined” refers to.

iii. In line 7, the phrase “status of said input device is changed” lacks proper and clear antecedent basis.

iv. In lines 1-8, the intended meaning of the “wherein said command ....stream data.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

h. In claims 7-9, due to the similarity between the nature of the unclarities, the detail unclear rejections of the claims 4-6 are similarly applied.

i. In claim 11;

i. In lines 4 & 15, the intended meaning of “based on” is unclear from the context of the claimed function.

ii. In line 5, the phrase “such that” or “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. It is unclear as to how the “input output device can...output device;” is physically/functionally coupled/interconnected in terms of the claimed function. Due to the problem with the phrase “such that”, the examiner cannot properly determine the metes and bounds of the claimed invention.

iii. In line 6, the phrase “confirming” is vague and indefinite in terms of how the confirming step of line 4 is comprised of confirming.

iv. In lines 4-10, the intended meaning of the “such that said ....output device;” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention. It also appears that the limitations of the lines 4-10 seems to be very redundant which confuses the claimed subject matter.

v. In line 15, it is unclear as to what “it is confirmed” refers to.

vi. In lines 16-17, the phrase input device... device.” lacks proper and functional basis. I.e., the same condition of the above phrase was also established by the first command.

vii. In lines 1-17, due to the too many unclarities of the claim 1, the metes and bounds of the claim 11 cannot be properly determined.

j. In claims 12;

i. In lines 2 & 4, the phrase “first command” lacks proper and clear antecedent basis. There are more than one “a first command” mentioned in claim 11.

ii. In line 6, the phrase “such that” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention & how such the following phrase is functionally interconnected to the previous claimed limitations.

k. In claims 13-23, due to the too many unclarities and indefiniteness of the parent claims and other claims, the unclarities of the following claims discussed are similarly applied. Applicant should carefully review all of the following and previous 112 2nd paragraph rejections and amend all of the claims before responding to this office action.

i. As for the rest of the claims 13-23, due to the numerous

l. In claim 24;

i. In line 10, the phrase “command transmission source” lacks proper and clear antecedent basis.

ii. In lines 5-11, the intended meaning of the “wherein said first and ....disabled.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

m. In claim 25;

i. In lines 2-4, the phrase “data indicating...communication control means” lacks proper and functional antecedent basis.

ii. In line 5, the phrase “standby mode” lacks proper and clear antecedent basis.

iii. In lines 1-8, the intended meaning of the “wherein said data ....completed.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

n. In claims 26-28, due to the numerous unclarities and problems of the parent claim 24 and the similar problems existed in claim 25, the examiner cannot determines the metes and bounds of the claims, due to the natures of the similar problems of the claims.

o. In claim 29;

i. In line 7, the phrase “in which if it” make the claims the intended meaning vague and indefinite.

ii. In line 9, the phrase “output of steam data” lacks proper and clear antecedent basis.

iii. In line 10, the phrase “other device” lacks proper and clear antecedent basis.

p. In claim 30, lines 1 & 3, it is unclear as to what “it” refers to.

q. In claim 31, line 6, the phrase “status of said other devices is changed” lacks proper and clear antecedent basis.

r. In claim 32;

i. In lines 5-8, it is unclear as to whether the “communication control means” or the “input output means” performing the “detected’ function.

ii. In lines 7-8, the phrase “data received at said input and output means” lacks proper and clear antecedent basis.

iii. In line 12, the phrase “processing” lacks proper and clear antecedent basis.

iv. In lines 14 & 20, the phrase “first command transmission source” & “command transmission source” lack proper and clear antecedent basis.

v. In lines 5-14, the intended meaning of the “communication control means ....source.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

vi. In line 15, it is unclear as to whether the “communication control means” of line 14 is the same the one in line 5; if so, claim should be amended to indicate such limitation; if not, claim should have different name.

vii. In lines 15-20, the intended meaning of the “communication control means ....source.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

s. In claim 33;

i. In line 5, it is unclear as to what “its” refers to.

ii. In lines 7-8, the phrase “first command transmission source” & “effect that a connection has been completed” lack proper and clear antecedent basis.

t. In claim 34;

i. In line 2, it is unclear as to what “it” refers to.

ii. In lines 5-6, the intended meaning of “input and output means is not ready to input stream data from said input and output means” is unclear and not understood by the examiner.

iii. In line 6, the phrase “second command transmission source” lacks proper and clear antecedent basis.

u. In claim 35;

i. In line 2, the phrase “first and second command transmission source” lacks proper and clear antecedent basis.

ii. In lines 3-4, it is unclear as to what “it” refers to.

iii. In line 8, the word “command” lacks proper and clear antecedent basis.

iv. In line 9, the phrase “connected state on the network” lacks proper and clear antecedent basis.



v. In line 10, the phrase “command transmission source” lacks proper and clear antecedent basis.

vi. In lines 1-11, the intended meaning of the “wherein said first and ....source.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

v. In claim 36;

i. In line 5, the phrase “status” lacks proper and clear antecedent basis.

ii. In lines 1-10, the intended meaning of the “wherein said first and ....source.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

w. In claim 37, due to the similarity between the claims, the unclarities of the claim 35 are similarly applied.

x. In claim 39, line 7, the phrase “other devices” lacks proper and clear antecedent basis.

y. In claim 42, the phrase “status” lacks proper and clear antecedent basis, and the intended meaning of the phrase “changed instead of said second command” is not clear from the context of the claim.

z. In claim 43, the phrase “change of the status in which said other device”, “other device are ready” & “other devices are not ready to input stream data” lack proper and clear antecedent basis.

aa. In claim 45, the phrase “change of the status in which other devices are ready to transmit stream data” lacks proper and clear antecedent basis.

bb. In claim 46, 47, 51, 53 & 55, the phrase “other device” lacks proper and clear antecedent basis (i.e., there are more than one other device mentioned in the claim).

cc. In claims 48, 50, 52, 54 & 56, the phrase “change of the status” and “other device” lacks proper antecedent basis.

dd. In claim 57;

i. In lines 5 & 8, the phrase “other devices” lacks proper and clear antecedent basis.

ii. In lines 6-7, the phrase “data received by said input and output means” lacks proper and antecedent basis (i.e., no such data have been received by the input and output means).

ee. In claim 58;

i. In line 7, the words “status” & “other devices” lack proper and clear antecedent basis.

ii. In line 8, the phrase “command transmission source” lacks proper and clear antecedent basis.

iii. In lines 9-10, the phrase “data received by said input and output means” & “change of the status in which said other devices” lack proper and clear antecedent basis (i.e., no data have been received by input and output means).

iv. In lines 5-14, the intended meaning of the “communication control means ....source.” are vague and indefinite (i.e., long sentence with many problems); therefore, the examiner does not clearly understand the metes and bounds of the claimed invention.

#### ***Potential Restriction***

4. Due to the limited understanding and broadness of the claims, there seems to be Potential Restriction problems (i.e., there may be more than one distinctive inventions exist). The examiner kindly asks the applicant to 1) carefully amend the claims to clearly overcome the rejections under 35 USC 112 2nd paragraph rejection 2) carefully amend the claims disclose only one invention. However, at this point, the examiner cannot properly determine the metes and bounds of the claims; therefore, the proper Restriction Requirement cannot be properly made.

#### ***Unable To Perform Proper Search***

5. The examiner attempted to search the claimed invention; however, due to the too many unclarities and indefiniteness which makes the examiner unable to properly determine the metes and bounds of the present claimed invention, the examiner properly search the claimed invention.

***Claim Rejections***

6. No art rejections are made because the specification does not provide adequate description of the invention to enable the examiner to interpret the claims based on specification in light of the 35 USC 112 rejections without requiring the examiner to make a great deal of speculative assumptions. See MPEP 2173.06 wherein it is stated:

"... where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103 should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims."

7. **Any Response To This Action Should Be Mailed To:**

**If The Action Is Non-Final**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**If The action is Final**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7238, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Hand-delivered responses should be brought to**

Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Any Other Telephone Communication Should Be Directed To**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Shin whose telephone number is (703) 305-9658. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:00 PM.

*Christopher B. Shin*

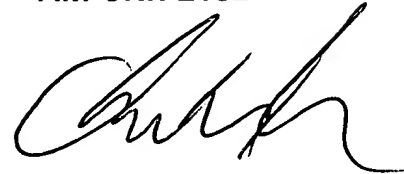
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Christopher B. Shin  
September 29, 2003

**PRIMARY EXAMINER**

**ART UNIT 2182**

A handwritten signature in black ink, appearing to read 'Chris Shin', written in a cursive style.